

AMENDED IN ASSEMBLY APRIL 8, 2010

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2657**

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**Introduced by Assembly Member Gilmore**

February 19, 2010

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An act to amend Section ~~34661~~ 34601 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL’S DIGEST

AB 2657, as amended, Gilmore. ~~Motor carriers: penalties. Vehicles: pickup trucks.~~

*Existing law, the Motor Carriers of Property Permit Act, defines a “commercial motor vehicle” as, among other things, any motor truck of 2 or more axles that is more than 10,000 pounds gross vehicle weight rating (GVWR). Existing law defines a “pickup truck” as a motor truck with a manufacturer’s gross vehicle weight rating of less than 11,500 pounds, an unladen weight of less than 8,001 pounds, and which is equipped with an open box-type bed not exceeding 9 feet in length.*

*This bill would increase this GVWR to 11,500 or more pounds thereby excluding any motor truck of 2 or more axles, and any pickup truck, that is less than 11,500 pounds from the act’s provisions.*

~~The Motor Carriers of Property Permit Act provides for the regulation of motor carriers of property by the Department of Motor Vehicles and imposes specified criminal penalties for a violation of that act.~~

~~This bill would make technical nonsubstantive changes to that provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 34601 of the Vehicle Code is amended to  
2     read:

3     34601. (a) As used in this division, “motor carrier of property”  
4     means any person who operates any commercial motor vehicle as  
5     defined in subdivision (c). “Motor carrier of property” does not  
6     include a household goods carrier, as defined in Section 5109 of  
7     the Public Utilities Code, a household goods carrier transporting  
8     used office, store, and institution furniture and fixtures under its  
9     household goods carrier permit pursuant to Section 5137 of the  
10    Public Utilities Code, persons providing only transportation of  
11    passengers, or a passenger stage corporation transporting baggage  
12    and express upon a passenger vehicle incidental to the  
13    transportation of passengers.

14    (b) As used in this division, “for-hire motor carrier of property”  
15    means a motor carrier of property as defined in subdivision (a)  
16    who transports property for compensation.

17    (c) (1) As used in this division, except as provided in paragraph  
18    (2), a “commercial motor vehicle” means any self-propelled vehicle  
19    listed in subdivisions (a), (b), (f), (g), and (k) of Section 34500,  
20    any motor truck of two or more axles that is *equal to or* more than  
21    ~~10,000~~ 11,500 pounds gross vehicle weight rating, and any other  
22    motor vehicle used to transport property for compensation.

23    (2) As used in this division, “commercial motor vehicle” does  
24    not include any of the following:

25    (A) Vehicles identified in subdivision (f) of Section 34500, if  
26    the gross vehicle weight rating of the towing vehicle is 10,000  
27    pounds or less.

28    (B) Vehicles identified in subdivision (g) of Section 34500, if  
29    the hazardous material transportation does not require the display  
30    of placards under Section 27903, a license under Section 32000.5,  
31    or a hazardous waste transporter registration under Section 25163  
32    of the Health and Safety Code, and the vehicle is not operated in  
33    commercial use.

34    (C) Vehicles operated by a household goods carrier, as defined  
35    in Section 5109 of the Public Utilities Code, under the household  
36    goods carrier permit pursuant to Section 5137 of that code.

37    (D) Vehicles operated by a household goods carrier to transport  
38    used office, store, and institution furniture and fixtures under its

1 household goods carrier permit pursuant to Section 5137 of the  
2 Public Utilities Code.

3 (E) Pickup trucks as defined in Section 471, if the conditions  
4 in subparagraphs (A) and (B) are also met.

5 (F) Two-axle daily rental trucks with a gross vehicle weight  
6 rating of less than 26,001 pounds, when operated in noncommercial  
7 use.

8 (G) Motor trucks or two-axle truck tractors, with a gross vehicle  
9 weight rating of less than 26,001 pounds, when used solely to tow  
10 a camp trailer, trailer coach, fifth-wheel travel trailer, or utility  
11 trailer. Vehicle combinations described in this subparagraph are  
12 not subject to Section 27900, 34501.12, or 34507.5.

13 (d) For purposes of this chapter, “private carrier” means a motor  
14 carrier of property, who transports only his or her own property,  
15 including, but not limited to, the delivery of goods sold by that  
16 carrier.

17 ~~SECTION 1. Section 34661 of the Vehicle Code is amended~~  
18 ~~to read:~~

19 ~~34661. A person or corporation that violates this division is~~  
20 ~~guilty of a misdemeanor, punishable by a fine of not more than~~  
21 ~~two thousand five hundred dollars (\$2,500), or by imprisonment~~  
22 ~~in the county jail for not more than three months, or by both that~~  
23 ~~fine and imprisonment.~~